United Nations S/2005/227

Security Council

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Denmark, France, Greece, Japan, Philippines, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Endorsing the Secretary-General's opinion, as expressed in his letter of 24 March 2005 to the President of the Security Council, that Lebanon is passing through a difficult and sensitive period, that all concerned should imperatively behave with the utmost restraint and that the future of Lebanon should be decided strictly through peaceful means,

Reaffirming its unequivocal condemnation of the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others, and caused injury to dozens of people, and *condemning* the subsequent attacks in Lebanon,

Having examined the report of the fact-finding mission to Lebanon inquiring into the circumstances, causes and consequences of this terrorist act (S/2005/203), transmitted to the Security Council by the Secretary-General following the declaration of the President of the Security Council of 15 February 2005 (S/PRST/2005/4),

Noting with concern the fact-finding mission's conclusion that the Lebanese investigation process suffers from serious flaws and has neither the capacity nor the commitment to reach a satisfactory and credible conclusion,

Noting also in this context its opinion that an international independent investigation with executive authority and self-sufficient resources in all relevant fields of expertise would be necessary to elucidate all aspects of this heinous crime,

Mindful of the unanimous demand of the Lebanese people that those responsible be identified and held accountable, and *willing* to assist Lebanon in the search for the truth,

Welcoming the Lebanese Government's approval of the decision to be taken by the Security Council concerning the establishment of an international independent investigation Commission, and *welcoming also* its readiness to cooperate fully with such a Commission within the framework of Lebanese sovereignty and of its legal

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system, as expressed in the letter of 29 March 2005 from the Charge d'affaires a.i. of Lebanon to the United Nations to the Secretary-General (S/2005/208),

1. *Decides*, consistent with the above-mentioned letter from the Charge d'affaires a.i. of Lebanon, to establish an international independent investigation Commission ("the Commission") based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices;

2. *Reiterates* its call on the Lebanese government to bring to justice the perpetrators, organizers and sponsors of the 14 February 2005 terrorist bombing, and *calls upon* the Lebanese government to ensure that the findings and conclusions of the Commission's investigation are taken into account fully;

3. *Decides* that, to ensure the Commission's effectiveness in the discharge of its duties, the Commission shall:

- Enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deems relevant to the inquiry;
- Have the authority to collect any additional information and evidence, both documentary and physical, pertaining to this terrorist act, as well as to interview all officials and other persons in Lebanon, that the Commission deems relevant to the inquiry;
- Enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deems relevant to the inquiry;
- Be provided with the facilities necessary to perform its functions, and be granted, as well as its premises, staff and equipment, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations;

4. *Requests* the Secretary-General to consult urgently with the Lebanese Government with a view to facilitate the establishment and operation of the Commission pursuant to its mandate and terms of reference as mentioned in paragraphs 2 and 3 above, and *requests also* that he report to the Council accordingly and notify it of the date the Commission begins its full operations;

5. *Requests further* the Secretary-General, notwithstanding paragraph 4 above, to undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Commission, including recruiting impartial and experienced staff with relevant skills and expertise;

6. *Directs* the Commission to determine procedures for carrying out its investigation, taking into account the Lebanese law and judicial procedures;

7. *Calls on* all States and all parties to cooperate fully with the Commission, and in particular to provide it with any relevant information they may possess pertaining to the above-mentioned terrorist act;

8. *Requests* the Commission to complete its work within three months of the date on which it commenced its full operations, as notified by the Secretary-General, and *authorizes* the Secretary-General to extend the Commission's operation

for a further period not exceeding three months, if he deems it necessary to enable the Commission to complete its investigation, and requests that he inform the Security Council accordingly,

9. *Requests* the Commission to report to the Council on the conclusions of its investigation and *requests* the Secretary-General to update orally the Security Council on the progress of the Commission every two months during the operations of the Commission or more frequently as needed.